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OFFICE OF PETITIONS

In re Application of

Delhomme, et al.

Application No. 10/500,256

Filed: December 14, 2004

Attorney Docket No. 21.1017US

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DECISION ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment under 37 CFR 1.137(a) of (b)", filed June 16, 2006. The petition will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 29, 2006, after it was believed that no response was received to the final Office action mailed October 28, 2005. The final Office action allowed a shortened statutory period for reply of three-months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on June 6, 2006, indicating that a reply to Office action was not received.


The instant petition maintains that a Request for Continued Examination (RCE) responsive to the Office action was transmitted via facsimile on April 19, 2006. A copy of the RCE containing a certificate of facsimile transmission dated April 19, 2006, and a copy of the auto-reply facsimile transmission sheet whereby the UPSTO acknowledged receiving seven pages in the above-cited application on April 19, 2006, accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Deposit account 50-2183 will be charged \$1,020.00 for the extension of time within the third month necessary to make the RCE timely and \$790.00 for the fee of the Request for Continued Examination.

The application file is being forwarded Technology Center 2800 GAU 2862, for further processing

including the consideration of the copy of the Request for Continued Examination filed June 16, 2006, which will be noted as having been timely received.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions